IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 476 OF 2006
IN
Notice of Motion No. 3594 of 2004
IN
SUIT NO. 3443 OF 2004

Mohan Rocky Spring Water
Breweries Ltd.. .. Appellant.

V/s.

1. Shaw Wallace & Company Ltd., & Anr. .. Respondents.

Ms.Sucherita Patrawala i/by S.J.Khera for the Appellant.

Mr.H.W.Kane with Mr.Rahul Kadam for the Respondents.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 22nd SEPTEMBER, 2006.

P.C.:

. In this Appeal the defendants have challenged the order dated 20th January, 2005, whereby the Application for vacation of the ad-interim relief granted to the plaintiffs, came to be rejected.

2. As we have noticed in the connecting Appeal, being Appeal No.475 of 2006, the ad-interim relief has been made absolute by the order dated 5th of April, 2006. Paragraph 15 of the said order reads thus :

> "15. For all these reasons, therefore, in my opinion, ad-interim order which has been granted

in favour of the Plaintiffs and which is presently operating deserves to be confirmed. It is accordingly, so ordered. Notice of Motion disposed of.

3. It is thus clear that the present Appeal has become infructuous and does not survive.

4. We dispose of the Appeal accordingly.

(R.M.LODHA,J)

(S.A.BOBDE,J)

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